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|-----------------|-------------|----------------------|---------------------|------------------|
| 10/010,293      | 11/12/2001  | Daniel H. Walker     | ITT-485-A           | 5056             |

7590

08/04/2003

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EXAMINER

FIGUEROA, FELIX O

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/010,293

Applicant(s)

WALKER ET AL.

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-13,15,16 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-13,15,16 and 19-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 20 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/25/03 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, 10-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hand (US 5,648,639).

Hand discloses a fluid quick connector comprising: a connector housing (5) configured to mate with a male endform (1); and an electrically conductive contact member (16) mounted in the housing and contacting the male endform to electrically connect the male endform and the quick connector housing. Hand also discloses the contact member comprising a first portion (17) mountable in the quick connector housing bore in contact with the quick connector housing; and at least one arm (18) extending from the first portion for contact with the male endform.

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Hand shows the arm adapted to extend through an open end of the bore in the male endform in contact with an inner surface of the male endform. Please note that it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Hand also shows the arm having a bent end (19). Hand teaches the arm and the bent end comprising a beam portion (base of 18) extending from the first portion of the contact member, a back taper surface (18) extending angularly from the beam portion; and a tip end (19) extending angularly from an edge at one end of the back taper surface and defining a lead-in surface; the back taper surface extends at an obtuse included angle with respect to the beam; and the tip end extends at an obtuse included angle from the back taper surface.

Hand also teaches the first portion of the contact member comprises: an annular ring mountable in the bore in the quick connector housing, the arm extending from the annular ring; the arm having a bent end; the at least one finger extending angularly from the annular ring.

Claims 1 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 4,657,336).

Johnson discloses a connector comprising: a connector housing (68) configured to mate with a male endform; and an electrically conductive contact member (40) mounted in the housing and contacting the male endform to electrically connect the male endform and the connector housing. Johnson also discloses a first portion (42)

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mountable in the connector housing bore in contact with the connector housing; and at least one arm (48) extending from the first portion. Johnson shows the arm adapted to be extended through an open end of the bore in the male endform in contact with an inner surface of the male endform (see discussion on Hand). Johnson also shows the first portion comprising a tubular body mountable in the bore in the quick connector housing, the arm extending from one end of the tubular body; the tubular body being longitudinally split to form spaced edges allowing compression of the tubular body for press-fit mounting of the tubular body in the bore in the quick connector housing; and the tubular body further comprising another end oppositely formed from the one end of the body, a lead-in edge formed on the another end.

Claims 16 and 19-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson.

Johnson discloses an electrical contact comprising: an electrically conductive contact member (40) comprising a first portion (42), and an arm (48) extending from the first portion. Johnson also discloses the arm having a bent end (not label); the arm comprising a beam portion (base of 48) extending from the first portion, a back taper surface extending angularly from the beam portion, and a tip end (56) extending angularly from an edge at one end of the back taper surface and defining a lead-in surface. Johnson shows the contact member comprising a tubular body being longitudinally split to form spaced edges. Johnson also shows the contact member comprising an annular ring; and at least one finger extending angularly from the annular ring. Johnson shows the arm adapted to extend through an open end of the bore in a

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male endform in contact with an inner surface of the male endform. Please note that it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

### ***Response to Arguments***

Applicant's arguments filed 05/20/03 have been fully considered but they are not persuasive.

In response to applicant's arguments that Hand does not disclose "the contact member having at least one arm which is extendable through the open end of a bore in a male endform for contact with a surface of the male endform" and that, please note that the claims does not positively requires that the arm of the contact member extends inward, but rather that it would have the capability to do so. If the prior art structure is capable of performing the intended use (i.e. extend inward), then it meets the claim See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In this case, since the arm is made of a resilient material, the arm has such capability.

In response to applicant's arguments regarding claim 5 and 6, please note that the end of the arm is part of the arm, so it is considered that the arm has a back tapered surface and a tip end.

In response to applicant's arguments on Johnson, see discussion on Hand above.

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In response to applicant's arguments that the pin of Johnson does not have an internal bore, please note that the male end portion is not required by the claims thus making the pin of Johnson irrelevant to the claimed subject matter.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

ffr

July 24, 2003



RENEE LUEBKE  
PRIMARY EXAMINER